

1 ANGELA H. DOWS, ESQ.
2 Nevada Bar No. 10339
adows@premierlegalgroup.com
2 PREMIER LEGAL GROUP
3 1333 North Buffalo Drive, Suite 210
4 Las Vegas, Nevada 89128
Telephone: (702) 794-4411
Facsimile: (702) 794-4421
5 Attorney for Petitioner George M. Brass

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

Petitioner, George M. Brass, by and through his attorney of record, Angela H. Dows, Esq., respectfully requests that this Court grant Petitioner an extension of time of approximately five (5) days to file his amended §2254 petition. This Motion is based upon the attached points and authorities and all pleadings and papers on file herein.

DATED this 11th day of December, 2014.

PREMIER LEGAL GROUP

By: /s/ Angela H. Dows
Angela H. Dows, Esq.
Appointed Counsel for
Petitioner George M. Brass

MEMORANDUM OF POINTS AND AUTHORITIES

1 1. The *pro se* §2254 petition of George M. Brass was filed with this Court on
2 November 22, 2013. (Clerk's Record "CR" 7).

4 2. That the instant Motion is not being prepared or filed under any bad faith, or lack
5 of due diligence.

6 3. That on May 12, 2014, instant counsel was appointed to represent Petitioner Brass
7 in the instant proceeding, with a due date for filing an amended petition of sixty (60) days from
8 May 12, 2014, or on or before July 11, 2014. (CR 15).

10 4. That instant counsel filed her first unopposed motion for extension of time on
11 June 25, 2014, which was granted on June 30, 2014. (CR 17).

12 5. That instant counsel received the file from former counsel in this case on or about
13 July 10, 2014.

14 6. That instant counsel filed her second unopposed motion for extension of time on
15 September 18, 2014, for a forty-five (45) day continuance of his opening brief, which was
16 granted on September 25, 2014. (CR 19)

18 7. That instant counsel filed her third unopposed motion for extension of time on
19 November 4, 2014, for a thirty (30) day continuance of his opening brief, which was granted on
20 November 4, 2014, adjudicating current the due date the First Amended Petition to be Friday,
21 November 12, 2014. (CR 21).

22 8. That after two previously scheduled visits with Petitioner, the first of which did
23 not occur due to a power outage at the correctional facility, and the second of which was a
24 client's decline of the scheduled visit, instant counsel was finally able to meet her client in
25 person on Sunday November 2, 2014.

1 9. That in the interim, instant counsel reviewed the file documents from former
2 counsel and compiled the exhibits for the Amended Petition.

3 10. That after reviewing the file documents against the listing of filed documents with
4 the Eighth Judicial District Court, it was discovered that several documents from the record were
5 missing, and needed to be requested from the Eighth Judicial District Court.

6 11. That instant counsel inquired in October of 2014 with both trial/appellate counsel
7 and state habeas counsel for Mr. Brass to see if they had any additional documents in their files
8 that had not been previously disclosed. Both answered in the negative.

9 12. That in November of 2014, after a formal request with payment to the Eighth
10 Judicial District Court, instant counsel received well over one thousand (1,000) pages of
11 additional information that required review and adding to the exhibit list.

12 13. The additional information received substantially changed the record for review.
13 The original number of exhibits was 66, and after the supplemental documents were received, the
14 number is now over 100 exhibits.

15 14. That instant counsel has drafted the brief, formatted the exhibits, drafted the
16 exhibit list and the client verification, and will be reviewing the information with the client
17 during a visit in the morning of December 12, 2014.

18 15. That the instant deadline of December 12, 2014, the same date as the visit with
19 the client to review and assent to the amended petition, does not allow for any errors or final
20 formatting of the brief, or any input by the client as to any different factual argument in the brief
21 following the visit.

22 16. That in an abundance of caution instant counsel requests five (5) additional days,
23 or on or before Wednesday December 17, 2014 to be able to file the amended petition and its
24 related exhibits and disclosures.

4 18. That instant counsel has also conferred with her client, who is incarcerated, and
5 Petitioner does not have an objection to said extension.

CONCLUSION

That, accordingly, instant counsel respectfully requests an additional approximately five
8
9 (5) days, or on or before Wednesday, December 17, 2014 by which to prepare and file a First
10 Amended Petition pursuant to 28 U.S.C. § 2242, as well as to allow for sufficient time for the
11 Petitioner to review and assent to the proposed petition to be filed (see Rule 2(c)(5) of Rules
12 Governing Section 2254 Cases in the United States District Courts).

13 DATED this 11th day of November, 2014

PREMIER LEGAL GROUP

By: s/ Angela H. Dows
Angela H. Dows, Esq.
Appointed Counsel for
Petitioner George M. Brass

IT IS SO ORDERED.

**Gloria M. Navarro, Chief Judge
United States District Court**

RATED: 12/12/2014